

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AUMINTRIUS DAMOUR GUNN,

Plaintiff,

v.

STANTON COUNTY—MEDICAL
CUSTODY DIVISION, *et al.*,

Defendants.

Case No. 2:20-cv-02118-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO STATE A CLAIM

RESPONSE DUE WITHIN TWENTY-ONE
DAYS

On April 23, 2021, I screened plaintiff's complaint, notified him that it failed to state a claim, and gave him sixty days to file an amended complaint. ECF No. 10. I subsequently granted plaintiff's motion for an extension of time and granted him until July 30, 2021 to file an amended complaint. ECF No. 12. To date, he has not done so.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

1 I will give plaintiff a chance to explain why the court should not dismiss the case for his
2 failure to file an amended complaint. Plaintiff's failure to respond to this order will constitute a
3 failure to comply with a court order and will result in a recommendation that this action be
4 dismissed. Accordingly, plaintiff is ordered to show cause within twenty-one days why this case
5 should not be dismissed for failure to prosecute and failure to state a claim. Should plaintiff wish
6 to continue with this lawsuit, he shall file, within twenty-one days, a first amended complaint.

7
8 IT IS SO ORDERED.

9 Dated: October 7, 2021


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE